

# UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VA

FILED  
for Danville  
MAY 06 2008

JOHN F. CORCORAN, CLERK  
BY: *Fay Coleman*  
DEPUTY CLERK

United States of America )

v. )

Levi Antwone Reaves )

Case No: 4:01cr70012-02

USM No: 09253-084

Date of Previous Judgment: December 20, 2001

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 121 months is reduced to 120 months.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 32

Amended Offense Level: 30

Criminal History Category: I

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Previous Guideline Range: 121 to 151 months

Amended Guideline Range: 120\* to 121 months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

\*The amended guideline range has a minimum term of 120 months because of the mandatory statutory minimum term of incarceration.

### III. ADDITIONAL COMMENTS

The Government has objected to a reduction because of the defendant's pre-sentencing conduct. Finding that his pre-sentencing conduct was adequately considered in the previous judgment and in the amended guideline range, and upon consideration of the factors set forth in 18 U.S.C. § 3553(a) and U.S.S.G. § 1B1.10, the Government's objections are overruled and the defendant's sentence is reduced as provided above.

Except as provided above, all provisions of the judgment dated 12/20/2001 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: May 6, 2008

*Norman K. Moon*  
Judge's signature

Effective Date: May 6, 2008  
(if different from order date)

Norman K. Moon, United States District Judge  
Printed name and title